

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL WIEDEMAN, JOHN A. FRYE,
FRANK D. MOBURG, and MICHAEL TSAY

MAILED

JAN 23 2008

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 10/035,334

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 02, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing are identified below:

Information Disclosure Statement

On November 05, 2004, an Information Disclosure Statement was filed in the present application. It is apparent from the record that the Examiner has not yet considered the submitted Information Disclosure Statement. The Information Disclosure Statement should be considered by the primary Examiner for compliance with 37 C.F.R. §§ 1.197 and 1.198. The Examiner should take appropriate action therewith. A communication notifying the Appellants of the primary Examiner's

decision should be prepared and mailed. It is appropriate that the necessary consideration and processing of the Information Disclosure Statement occur prior to a rendering of a decision in this appeal.

Accordingly, it is

ORDERED that the application is returned to the Examiner

- 1) to properly consider the Information Disclosure Statement submitted to the USPTO on November 05, 2004, by either initialing the references, or by drawing a line through the references not considered;
- 2) to provide notification to Appellants as to the entry status of the IDS;
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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PJN/rwk

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